

# Court of Appeals, State of Michigan

## ORDER

People of MI v Janetta Johnson-Armstrong

Docket No. 290398

LC No. 99-012197-FH

William B. Murphy  
Presiding Judge

Jane E. Markey

Douglas B. Shapiro  
Judges

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Pursuant to MCR 7.205(D)(2), in lieu of granting the application for leave to appeal, the Court PEREMPTORILY REVERSES the trial court's order setting aside defendant's welfare fraud convictions. A person convicted "of not more than 1 offense" may apply to set aside the conviction. MCL 780.621(1). The term "offense" includes both felonies and misdemeanors. *People v Grier*, 239 Mich App 521, 523; 608 NW2d 821 (2000). The Legislature did not intend that the expungement statute be available to a person, like defendant, "who was convicted of multiple crimes in a single proceeding or pursuant to a single plea." The only persons eligible for expungement are those whose criminal records have but "a single conviction for a single crime [] committed on a single occasion . . ." *People v McCullough*, 221 Mich App 253, 257; 561 NW2d 114 (1997). This matter is REMANDED to the trial court for REINSTATEMENT of defendant's convictions. This order has immediate effect. MCR 7.215(F)(2). We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

MAR 24 2009  
Date

*Sandra Schultz Mengel*  
Chief Clerk